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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,132	08/25/2000	Elle B. Kelly	99-2015	5362

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EXAMINER

WONG, ALLEN C

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 08/29/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/648,132

Applicant(s)

KELLY, ELLE B.

Examiner

Allen Wong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Claim Objections

1. Claims 1 and 12 are objected to because of the following informalities: line 3 of claims 1 and 12 need to change "an" to "a". Also, line 6 of claim 1, the first "an" needs to change to "a" for referring to "a monitoring device". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Breed (GB 2301922 A).

Regarding claim 1, Breed discloses a child monitoring system comprising:

a vehicle having an interior compartment, said interior compartment having a front portion and a rear portion (see fig.2, Breed discloses the vehicle is a car that clearly has a front portion and a rear portion);

a housing coupled to an interior surface of said front portion of said vehicle, said housing having a reflective surface (pg.19, ln.14 and note fig.1A specifically shows a rear view mirror 105, a reflective viewing a housing coupled to the interior surface of the car's windshield);

a monitoring device coupled to an interior surface of said rear portion of said vehicle (fig.2, note element 211 is a monitoring device or imaging device coupled to the interior rear portion of the vehicle to monitor the baby in the vehicle's rear seat).

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Note claim 12 has similar corresponding elements.

Regarding claim 2, Breed discloses the reflective surface is a rear-view mirror (pg.19, ln.14 and fig.1A, element 105 is a rear-view mirror).

Regarding claim 13, Breed discloses the viewing surface is a video monitor coupled on the dash of the vehicle (pg.20, ln.18 to pg.21, ln.4; discloses the "heads-up display"); and the imaging device is a video camera (pg.27, ln.1-4 and fig.2, element 211; note the optical interior device 211 is a video camera that has a fish eye lens to monitor and capture images, as desired, in the selectable area in the rear portion of the vehicle).

Regarding claim 14, Breed discloses the imaging device being a plurality of cameras to monitor and observe multiple selectable areas of the rear portion of the vehicle (see fig.2, note there can be multiple cameras 210-213 to provide multiple views of the rear portion of the vehicle).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Breed (GB 2301922 A) in view of Bauer (5,808,778).

6. Regarding claim 3, Breed does not disclose the monitoring device is a monitoring mirror being couple to the interior surface of the rear portion of the vehicle, where the front portion of the mirror reflects the image back to the rear-view mirror for the driver to observe. However, Harris Jr. teaches the monitoring device is a monitoring mirror being

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couple to the interior surface of the rear portion of the vehicle, where the front portion of the mirror reflects the image back to the rear-view mirror for the driver to observe (fig.1, note the monitoring mirror 20 reflects the image of the rear portion of the vehicle back to the rear-view mirror 80). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Breed and Harris Jr. as a whole for implementing the monitoring mirror located at the rear portion of the vehicle to achieve the task of monitoring the rear portion of the vehicle so as to be informed of when the child or baby is in need for more attention. Doing so would allow the parent or the driver the convenience of attending to the child or baby whom maybe in distress (eg. changing diapers, etc.).

7. Claims 4-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breed (GB 2301922 A) and Harris Jr. (4,687,305) in view of Bauer (5,808,778).

Although Breed does not specifically disclose the monitoring device is a monitoring mirror located in the headrest of the rear seat. However, Bauer does teach that the mirrors can be placed and utilized in any desired combination of locations, inside or outside (col.7, ln.4-13). In other words, Bauer discloses that these mirrors can be located at any desired position to achieve the task of monitoring the rear and the front portion of the vehicle with the desired results. Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Breed, Harris Jr. and Bauer as a whole for implementing the mirrors in any desired location to achieve the task of monitoring the rear and the front portion of the vehicle with the desired results so as to be informed of when the child or baby is in need for more attention. Doing so would allow

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the parent or the driver the convenience of attending to the child or baby whom maybe in distress (eg. changing diapers, etc.).

Allowable Subject Matter

1. Claim 15 is allowed.
2. The following is a statement of reasons for the indication of allowable subject matter: the prior art, taken alone or in any combination, does not teach the combination of limitations as disclosed on independent claim 15.

Contact Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (703) 306-5978. The examiner can normally be reached on Mondays to Thursdays from 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

AW
August 25, 2003

Allen Wong
Examiner
Art Unit 2613


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
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